



To: All DNR Officials, Employees, and Commissioners  
From: Kayla Lyon, Director  
Cc: Iowa Ethics and Campaign Disclosure Board  
Re: Blanket Consent to Engage in Certain Types of Sales and Leases

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The Iowa Department of Natural Resources (DNR) was created by Iowa Code section 455A.2 and has the primary responsibility for state parks and forests, protecting the environment, and managing fish, wildlife, and land and water resources in the state of Iowa. As DNR is defined as a "regulatory agency" under Iowa Code section 68B.2 and 351 IAC 6.11, the DNR's officials and employees shall obtain consent prior to selling or leasing, either directly or indirectly, any goods or services to individuals, associations, or corporations that are subject to the regulatory authority of the DNR pursuant to Iowa Code section 68B.4 and the administrative rules adopted by the Iowa Ethics and Campaign Disclosure Board (Board), 351 IAC 6.11.

Additionally, the Natural Resource Commission and the Environmental Protection Commission (Commissions) were established within the DNR under Iowa Code sections 455A.5 and 455A.6 respectively. The Natural Resource Commission consists of seven members appointed by the governor for staggered terms of six years. The Environmental Protection Commission consists of nine members appointed by the governor for staggered terms of four years, and shall have: three members actively engaged in livestock and grain farming; one member actively engaged in the business of finance or commerce; one member actively engaged in the management of a manufacturing company; and four members who are electors of the state. Because "commission" is defined by Iowa Code section 7E.4(3) as "a policymaking body that has rulemaking powers", the members of the Commissions are also required to obtain consent prior to selling or leasing goods or services to individuals, associations, or corporations that are subject to the DNR's jurisdiction pursuant to Iowa Code section 68B.4 and 351 IAC 6.11.

The DNR manages and regulates Iowa's state parks, forests and prairies, and fish and wildlife programs; enforces state and federal laws that protect air, land, and water through technical assistance, permitting and compliance programs; and regulates hunting, fishing, and trapping through permitting, tagging, and compliance programs. Because of the expansive reach of the DNR's regulatory authority, every individual, association, and corporation is potentially subject to the DNR's regulatory authority. This would result in the DNR's officials, employees, and commissioners being required to obtain consent under the procedure set out under Iowa Code section 68B.4 and 351 IAC 6.11 prior to every sale or lease of a good or service as part of their private lives. 351 IAC 6.11(4)"h" allows a regulatory agency to "grant blanket consent for sales or leases to classes of individuals, associations, or persons when such blanket consent is consistent with [68B.4 and guidelines in 351 IAC 6.11] and the granting of single consents is impractical or impossible to determine."

Therefore, pursuant to Iowa Code section 68B.4 and 351 IAC 6.11, the Director of the DNR hereby **grants blanket consent** for DNR officials, employees, and commissioners to engage in the following sales or leases without obtaining prior consent, unless there are unique facts surrounding a particular sale or lease which would cause that sale or lease to affect the official's duties or functions, would give the buyer or lessee an advantage in its dealings with the DNR, or otherwise present a conflict of interest:

A. Sales and leases as follows:

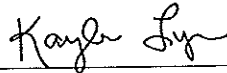
1. Nonrecurring sale or leasing of goods and services if the official, employee, or commissioner is not engaged for profit in the business of selling those goods or services.
2. Sale or leasing of farm products at market prices to a buyer ordinarily engaged in the business of purchasing or leasing farm products.
3. Sale or leasing of goods to general public at an established retail or consignment shop.
4. Sale of legal, mechanical, or other services at market or customary prices. However, if an official, employee, or commissioner's client or customer has a matter for decision before the DNR, or any subunit thereof, that individual shall not participate in any official action or decision making process (including voting), regarding that matter unless consent has been granted by the DNR Director in writing.
5. Sale or leasing of goods at wholesale prices to a buyer ordinarily engaged in the business of purchasing wholesale goods for retail sale.
6. Sale or leasing of creative works of art, including but not limited to sculpture and literary products, at market, auction, or negotiated prices. However, if an official, employee, or commissioner's customer has a matter for decision before the DNR, or any subunit thereof, directly or indirectly involving that good or lease, that individual shall not participate in any official action or decision making process (including voting), regarding that matter unless consent has been granted by the DNR Director in writing.
7. Sale or leasing of goods to general public at market or franchiser-established prices.

B. As provided in rule 351 IAC 6.11(8), this consent is not a defense to a complaint alleging a violation of law or rule. It is the responsibility of DNR officials, employees, and commissioners to ensure compliance with all laws and rules relating to sales and leases of goods or services to individuals, associations, and corporations subject to the regulatory authority of the DNR.

C. In the event a complaint is filed with the DNR, any subunit thereof, or the Board, and is determined to be legally sufficient by the DNR Director or the Board, concerning the services or goods provided by the official, employee, or commissioner to a member of the public, that individual is otherwise prohibited from participating in any official action or decision making process (including voting) regarding that matter, except in providing information requested by the DNR, or subunit thereof.

This blanket consent shall remain in effect until otherwise modified by the Director or specifically revoked upon written notice to the official, employee, or commissioner.

Dated this 10th day of December, 2019



KAYLA LYON, DIRECTOR

Iowa Department of Natural Resources